

Melissa Newel (#148563)
NEWEL LAW
2625 Alcatraz Ave., Suite 132
Berkeley, CA 94705
(510) 316-3827
mnewel@newellawfirm.com
Attorney for Plaintiff
RONALD CODY SARGENT

PHILLIP A. TALBERT
United States Attorney
PETE THOMPSON
Acting Regional Chief Counsel, Region IX
DANIEL TALBERT
Social Security Administration
Assistant United States Attorney
160 Spear Street, Suite 800
San Francisco, CA 94105
(510) 970-4860
daniel.talbert@ssa.gov
Attorneys for Defendant

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RONALD CODY SARGENT,
Plaintiff,

v.

KILOLO KIJAKAZI,
ACTING COMMISSIONER OF
SOCIAL SECURITY,
Defendant.

No. 1:21-CV-00523-SKO

**STIPULATION AND ORDER FOR
AWARD AND PAYMENT OF
ATTORNEYS FEES PURSUANT TO THE
EQUAL ACCESS TO JUSTICE ACT (28
U.S.C. §2412(d))**

(Doc. 17)

IT IS HEREBY STIPULATED by and between the parties, through their undersigned attorneys, subject to the approval of the Court, that Ronald Cody Sargent ("Plaintiff") be awarded attorney fees under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. §2412 (d), in the amount of five thousand five hundred and sixty-nine dollars and two cents (\$5,569.02). This represents compensation for legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §2412 (d).

After the Court issues an Order for EAJA fees to Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees to Plaintiff's attorney. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 598 (2010), the ability to honor the assignment will depend on whether the attorney fees are subject to any offset allowed under the United States Department of the Treasury's Offset Program. After the Order for EAJA fees is entered, the government will determine whether they are subject to any offset.

Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that Plaintiff does not owe a federal debt subject to offset, then the government shall cause the payment of fees approved to be made payable to Melissa Newel or Newel Law (collectively "Plaintiff's counsel"), pursuant to the assignment executed by Plaintiff. Any and all payments made shall be delivered to Plaintiff's counsel.

This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney fees and does not constitute an admission of liability on the part of Defendant under EAJA. Payment of the agreed amount shall constitute a complete release from, and bar to, any and all claims that Plaintiff and/or Plaintiff's counsel may have relating to EAJA attorney fees and expenses in connection with this action.

This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security Act attorney fees under 42 U.S.C. §406(b), subject to the provisions of the EAJA.

///

///

1 Respectfully submitted,
2 Dated: March 11, 2022 NEWEL LAW
3
4 By: Melissa Newel
5 Melissa Newel
6 Attorney for Plaintiff
RONALD CODY SARGENT

7 Dated: March 11, 2022 PHILLIP A. TALBERT
8 United States Attorney
9 PETE THOMPSON
10 Acting Regional Chief Counsel, Region IX
Social Security Administration
11 By: Daniel Talbert*
12 DANIEL TALBERT
13 (*Authorized by email dated 03/11/2022)
Special Assistant U.S. Attorney
Attorneys for Defendant

14
15 **ORDER**

16 Based on the parties foregoing “STIPULATION AND ORDER FOR AWARD AND
17 PAYMENT OF ATTORNEYS FEES PURSUANT TO THE EQUAL ACCESS TO JUSTICE
18 ACT (28 U.S.C. §2412(d))” (the “Stipulation”) (Doc. 17),

19 IT IS HEREBY ORDERED that, pursuant to the Equal Access to Justice Act, 28 U.S.C.
20 §2412(d), attorney’s fees in the amount of **five thousand five hundred and sixty-nine dollars**
21 **and two cents (\$5,569.02)** be awarded subject to the terms of the Stipulation.
22

23
24 IT IS SO ORDERED.

25 Dated: March 14, 2022 /s/ Sheila K. Oberto
26 UNITED STATES MAGISTRATE JUDGE
27
28